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10/598,889	09/14/2006	Mark Gretton	168/US	1751
95437 7590 06/04/2010 Harness, Dickey & Pierce P.L.C. P.O. Box 8910 Reston, VA 20195				
EXAMINER				
SRIRAMAN, NIKHIL				
ART UNIT		PAPER NUMBER		
3664				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,889

Applicant(s)

GRETTON, MARK

Examiner

NIKHIL SRIRAMAN

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/1/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3, 4, 7 and 8 is/are allowed.
- 6) ☐ Claim(s) 9 and 11 is/are rejected.
- 7) ☐ Claim(s) 2 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a non-final Office Action on the merits in response to communications filed by Applicant on February 1, 2010. Claims 1-4, 7-9 and 11-16 are currently pending and are addressed below.

Response to Arguments

1. Applicant's arguments filed February 1, 2010 have been fully considered and are found persuasive with respect to claims 1-4 and 7-8. Accordingly, the rejection of these claims has been withdrawn and a reason for allowance is presented below. With respect to claims 9 and 11-16, Applicant's arguments are moot in light of the new grounds of rejection, also presented below.

Allowable Subject Matter

2. Claims 1, 3-4, 7-8 and 12-16 are allowable over the prior art of record. The closest prior art of record is Chapman et al. (6,594,723 B1), which is directed towards updating data in nonvolatile memory. In Chapman, a memory device (Fig.3, item 162) is used to install an operating system (Figs. 3, item 194). Further, Chapman discloses the application of its system in the context of a vehicle navigation device (Col. 9, lines 7-45).

With respect to claim 1, Chapman et al. fails to disclose that the ROM prompts the user to insert the memory device and that the memory device contains map data.

Chapman et al. also fails to disclose claimed features of the navigational aspect of the system such as the satellite receivers and the touch screen display.

The foregoing claimed features, to which Chapman et al. is silent, serve to patentably distinguish claim 1 over the prior art of record. Accordingly, claim 1 is allowable over the prior art of record. Claims 3-4, 7-8 and 16 further define and narrow the claimed system and, thus, are also allowable over the prior art of record.

With respect to claim 12, claim 12 is directed towards a method that claims steps paralleling the system limitations mentioned above with respect to claim 1. More specifically, claim 12 recites every limitation cited above with respect to claim 1 and to which Chapman et al. is silent, with the exception of the "internal satellite positioning receiver."

However, claim 12 is a dependent claim that depends upon claim 9. Thus, claim 12 is objected to but would be allowable if re-written in independent form. Because claims 13-16 further define the claimed method, they too are objected to as containing allowable subject matter but would be allowable if re-written in independent form.

Claim Objections

3. Claims 2 and 9 are objected to because of the following informalities: Claim 2 recites "wherein the navigation device does not store the operating system in internal ROM but instead reads the operating system from the memory card." However, "the memory card" is a limitation not previously introduced and should thus either have its

antecedent basis changed or explained to be the "portable memory device" introduced in claim 1.

Regarding claim 9, lines 5-6 include "a single touch to the touch screen," where "touch screen" possesses improper antecedent basis. Appropriate correction is required.

Further regarding claim 9, lines 6-7 recite "in which the card can be inserted into and removed from the device," but does not explicitly state what it is "in which the card can be inserted into and removed." Thus, the claim should specify that a slot, interface, reader or something to that effect to explicitly state into what the card can be inserted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al. (6,594,723 B1) in view of Hayashi et al. (6,114,318).

Regarding claim 9, Chapman et al. discloses a method of programming an in-vehicle personal navigation device (Col. 8, lines 4-15 via "Fig. 7 shows an exemplary vehicle computer system such as may be used with the invention"; Also see Col. 9, lines 7-30 via "navigation system"), wherein the method comprises:

connecting the navigation device to a memory card, the memory card (Col. 8, lines 32-47 via "computer card 252 includes at least one storage drive which permits the vehicle user to download programs and data from a storage medium...Computer 252 may also optionally include a 2.5" floppy diskette drive 272, a smart card reader 274..."; Also see Col. 3, lines 1-11) storing an operating system and a navigation application including core functions, in which the card can be inserted into and removed from the device (Figs. 3 via "NEW OS Image" is illustrated to be stored in "external storage device 162" and Col. 4, lines "The new OS image 178 includes the new version of the operating system");

reading the operating system and the navigation application from the memory card (Fig. 3 via arrow showing transfer or reading of the OS 194 from memory card 162; Note that Col. 9, lines 45-56 state discloses new application and data is loaded into the computer); and

storing the operating system in internal random access memory (RAM) (Fig. 3 shows storing the "New OS Image 194" in "internal RAM 154").

Chapman et al. fails to disclose the navigation application includes core functions accessible via a single touch or that the memory card includes map data.

However, Hayashi et al. discloses a navigation system with a map database and software that enables a route to be planned between two user-defined places with a navigation application including core functions accessible via a single touch (Col. 3, line 60 – Col. 4, line 10) and a memory card that includes map data (Col. 15, line 48 – Col. 16, line 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify the process as disclosed by Chapman et al. such that the external storage device also included a navigation application with route capabilities accessible via touch screen and map data as disclosed by Hayashi et al. in order to enable information concerning vehicular travel to be readily and accurately recognized (Hayashi et al., Col. 1, lines 28-33).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al. (6,594,723 B1) in view of Hayashi et al. (6,114,318), and further in view of Chojnacki (6,768,942 B1).

Regarding claim 11, Neither Chapman et al. nor Hayashi et al. discloses the memory card is a SD card but use of a SD card as a memory card is notoriously well known in the art as is disclosed by Chojnacki in order to conform with memory device industry standards (Col. 8, lines 22-42).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the use of a memory card as disclosed by the combination of Chapman et al. and Hayashi et al. to be a secure digital card (SD card) as disclosed by Chojnacki in order to conform with memory device industry standards (Chojnacki, Col. 8, lines 22-42).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's amendment necessitated the new ground(s) of

rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NIKHIL SRIRAMAN** whose telephone number is (571)270-5797. The examiner can normally be reached on Monday through Friday, 7:30am-5:00pm, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NIKHIL SRIRAMAN
Examiner
Art Unit 3664

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Supervisory Patent Examiner, Art Unit 3664